

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

BRYAN P. SPENCE, *et. al.*,

Plaintiffs,

v.

LLOYD J. AUSTIN, III, *et. al.*,

Defendants.

Case No: 4:22-cv-00453

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE A REPLY BRIEF
IN SUPPORT OF THEIR MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION OF UP TO THIRTY PAGES**

Pursuant to Local Rule 7.2(c), Plaintiffs respectfully move for a 20-page expansion of the page limit for their reply brief in support of their motion for a temporary restraining order and preliminary injunction. In support of this motion, Plaintiffs represent the following:

1. On June 13, 2022, after securing agreement from Plaintiffs not to oppose a 20-page expansion of their page limit, Defendants filed a 45-page opposition brief to Plaintiffs' motion for a temporary restraining order and preliminary injunction. In addition to responding to the issues raised in the opening brief, Defendants raised challenges to jurisdiction and venue. *See* Dkt. 19.
2. Defendants' opposition was supported by a 1,236 page appendix comprised of 31 exhibits, including declarations from Plaintiffs' commanding officers. *See* Dkt. 20. Plaintiffs must respond to these factual allegations.

3. Given the critical nature of the jurisdictional issues raised by Defendants and the importance of Plaintiffs' claims, additional pages are necessary to adequately respond to Defendants' opposition. Plaintiffs will endeavor to be brief, and respectfully submit this Court would benefit from a fuller response to Defendants' opposition. The interests of justice will therefore be served by the requested extension. And of course, it is only fair that Plaintiffs be given an expansion of the page limit for their Reply that is comparable to the expansion granted to Defendants for their Opposition.

Plaintiffs, therefore, respectfully ask this Court to enter an order granting them permission to file a reply brief in support of their motion for a temporary restraining order and preliminary injunction of no more than 30 pages.

Local Rule 7.1(a) Certification

Plaintiffs' counsel conferred with Defendants' counsel by email on June 21, 2022. As agreed when conferencing regarding Defendants' motion for leave for excess pages for their opposition brief, *see* Dkt. 17, Defendants do not oppose the relief requested in this motion.

June 22, 2022

Respectfully submitted,

/s/ Gene C. Schaerr
Gene C. Schaerr*
D.C. Bar No. 416368
Cristina M. Squiers
Texas Bar No. 24093764
Counsel of Record
Annika M. Boone* **
Utah Bar No. 17176)
SCHAERR | JAFFE LLP

1717 K Street NW, Suite 900
Washington, DC 20006
Telephone: (202) 787-1060
Facsimile: (202) 776-0136
gschaerr@schaerr-jaffe.com
csquiers@schaerr-jaffe.com
aboone@schaerr-jaffe.com

Kelly J. Shackelford
Texas Bar No. 18070950
Jeffrey C. Mateer
Texas Bar No. 13185320
David J. Hacker
Texas Bar No. 24103323
Michael D. Berry
Texas Bar No. 24085835
Roger Byron
Texas Bar No. 24062643
First Liberty Institute
2001 W. Plano Pkwy., Ste. 1600
Plano, Texas 75075
Tel: (972) 941-4444
jmateer@firstliberty.org
dhacker@firstliberty.org
mberry@firstliberty.org
rbyron@firstliberty.org

*Counsel for Plaintiffs and the
Proposed Class*

*Admitted *pro hac vice*.

** Not yet admitted in D.C. Practicing
under the supervision of D.C. bar
members.